



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/211,527	12/14/1998	DAVID E. COX	5577-108	9792
20792	7590	02/26/2002		
MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627			EXAMINER	BACKER, FIRMIN
			ART UNIT	PAPER NUMBER
			2155	12
DATE MAILED: 02/26/2002				

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 12

Application Number: 09/211,527

Filing Date: December 14, 1998

Appellant(s): COX ET AL.

TIMOTHY J. O'SULLIVAN
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 19th, 2002.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 2, 7-13, 16, 21-27, 30, 35-41 and 43-45 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *ClaimsAppealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,835,726	Shewd et al	11-1998
6,009,459	Belfiore et al	12-1999

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 2, 7-13, 16, 21-27, 30, 35-41 and 43-45 are rejected under 35 U.S.C. 103. This rejection is set forth in prior Office Action, Paper No. 6.

(11) Response to Argument

Applicant further argues that there would be no reason for combining the teaching of Shwed and Belfoire. However, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case the reason for combining the references is based on the knowledge readily available in the art.

Applicant further argues that neither Shwed nor Belfoire disclose or suggest "modifying the content provided by the network device to the device based on the policies and the provided session dependent information so as to modify the content provided to the user of the device. Examiner respectfully disagrees with applicant perspective of Shrewd inventive concept. Shwed teach an inventive concept with a security system for inspecting and selectively modifying inbound and outbound data packets in a computer network, the security system inspecting and

selectively modifying the data packets in the computer network in accordance with a security rule (*policies*), where each aspect of the computer network inspected by the security rule has been previously defined, the security rule being previously defined in terms of the aspects and converted into packet filter language instructions, a method for operating the security system including the steps of providing a packet filter module couple to the computer network in at least one entity of the computer network to be inspected by the security rule, the packet filter module implementing a virtual packet filtering machine inspecting and selectively modifying the data packets passing into and out of the computer network, and the packet filter module executing the packet filter language instructions for operating the virtual packet filtering machine to either accept or reject the passage of the data packets into and out of the computer network and to selectively modify the data packets so accepted. Furthermore Swed teach a method of inspecting and selectively modifying inbound and outbound data packets in a computer network, the inspection and selective modification of the data packets occurring in accordance with a security rule.

The examiner requests the opportunity to present arguments at the oral hearing.
For the above reasons, it is believed that the rejections should be sustained.

Art Unit: 2155

Respectfully submitted,



Firmin Backer
February 21, 2002

Conferees

Patrice Winder

David Wiley

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627



DAVID WILEY
PRIMARY EXAMINER